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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,182	04/26/2001	Takeshi Kunimasa	046601-5091	7273
9629	7590	05/05/2004	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			JOHNSON, TIMOTHY M	
			ART UNIT	PAPER NUMBER
			2625	<i>B1</i>
DATE MAILED: 05/05/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/842,182

Applicant(s)

KUNIMASA ET AL.

Examiner

Timothy M Johnson

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-12, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 6 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**Claim for Priority**

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119 (a)-(d), which papers have been placed of record in the file.

**Disclosure**

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The Examiner suggests the following title:

"Recognizing a Print Inhibit Image Pattern Using Image Data Converted For Fast Recognition".

**Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 15 is rejected under 35 U.S.C. § 102(e) as being anticipated by Fu et al. 2002/0009229.

For claim 15, a storage medium readable by a computer, which stores a program for recognizing a specific image from input image data is provided by Fu in at least paragraphs 28-29 and paragraph 39. Generating output image data from the input

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image data is provided by Fu in at least paragraphs 41-42. Converting the input image data into recognition image data in a format which can be recognized is provided by Fu in at least paragraph 41. Recognizing the specific image by using the recognition image data is provided by Fu in at least paragraphs 39, 41, and 42 under section "2. Pattern Recognition Algorithms". Technical details of the pattern recognition of Fu are provided throughout the disclosure thereafter paragraph 42 of Fu.

5. Claims 1, 3-5, 7-8, 10-12, and 14 are rejected under 35 U.S.C. § 102(e) as being anticipated by Hiraishi et al. 6,538,759.

For claim 1, an image processing device having a function of recognizing a specific image from input image data, comprising:

an output image data generation unit which generates output image data from the input image data is provided by Hiraishi by in at least the paragraph bridging cols. 13-14, the third full paragraph in c. 13, and the penultimate full paragraph in c. 5. A recognition unit which recognizes the specific image is provided by Hiraishi in at least third full paragraph in c. 6, for example. A converting unit for converting the input image data into recognition image data in a format which can be recognized by the recognition unit is provided by Hiraishi in at least the paragraph bridging cols. 4-5 and the first four full paragraphs in c. 8, for example.

For claim 3, an image processing device according to claim 1, wherein a color space of an image formed by the output image data and that of an image formed by the

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recognition image data are different from each other is provided by Hiraishi where cited above, where the color space can be different.

For claim 4, an image processing device according to claim 1, wherein resolution of an image formed by the output image data and that of an image formed by the recognition image data are different from each other is provided by Hiraishi where cited above, where the resolution is explicitly changed for the recognition process is numerous ways.

For claim 5, an image processing device according to claim 1, wherein the number of bits used to represent a pixel in the output image data and that in the recognition image data are different from each other is also provided by Hiraishi where cited above where the number of bits per pixel can be changed.

For claim 7, an image processing device according to claim 1, wherein when a result of recognition by the recognition unit indicates the existence of the specific image, the output image data generation unit stops generation or output of the output image data is provided by Hiraishi in at least the paragraph bridging cols. 5-6, the third full paragraph in c. 6, the paragraph bridging cols. 9-10, and the first full paragraph in c. 10, for example.

For claim 8, see the rejection of at least claim 1. Recognizing the specific image using the recognition image data is provided by the converted image of Hiraishi where cited above.

For claims 10-12 and 14, see the rejection of at least claims 3-5 and 7 respectively.

### **Claim Rejections - 35 USC § 103**

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiraishi et al. 6,538,759, as applied to claims above, and further in view of Bloomquist et al., 6,594,034.

For claim 2, an image processing device according to claim 1, wherein the output image data generation unit generates output image data in a page description language format from the input image data is not explicitly provided by Hiraishi, although Hiraishi does provide for generating output data. One very common output data format is the page description language (PDL), which itself is a general term encompassing any one of a number of different PDLs. Bloomquist provides for PDL in at least the paragraph

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bridging cols. 1-2 and the paragraph bridging cols. 6-7 for example. Hiraishi can use the PDL of Bloomquist for output to the printer interface block 12 in Fig. 1 of Hiraishi for example. It would've been obvious to one having ordinary skill in the art at the time the invention was made to use the PDL format for outputting to the printer interface of Hiraishi, since the PDL is a conventional and well known format that provides for at least the advantages of faster file transfer, since the PDL file size is significantly smaller than raster and are also machine independent, so that a print engine or other device which understands PDL can produce an image therefrom. The converting unit converts the input image data into recognition image data in a raster image format is considered provided by Hiraishi, since the data is basically in printable form (e.g. binary/bitmap; i.e. raster format). See Hiraishi in the paragraph bridging cols. 4-5, the first full paragraph in c. 5, and the second full paragraph in c. 8, and Figs. 4A-6B showing data that can be printed, and Bloomquist explicitly recites raster where cited above.

For claim 9, see the rejection of at least claim 2.

#### **Allowable Subject Matter**

8. Claims 6 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

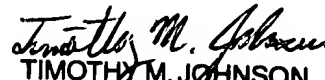
**Contact Information**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M Johnson whose telephone number is 703-306-3096. The examiner can normally be reached on Monday – Friday from 5:30 to 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh M. Mehta, can be reached on Monday – Friday from 9:30 to 5:00. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Timothy M. Johnson  
Patent Examiner  
Art Unit 2625  
April 17, 2004

  
TIMOTHY M. JOHNSON  
PRIMARY EXAMINER